

## Report to the Auburn City Council

Action Item
Agenda Item No.

City Manager's Approval

To:

Honorable Mayor and Members of the City Council, Serving as Successor

Agency to the Dissolved Auburn Urban Development Authority

From:

Robert Richardson, City Manager

Andy Heath, Administrative Services Director

Date:

April 23, 2012

Subject:

Consideration of approving and adopting an update of the Recognized

Obligation Payment Schedule pursuant to Health and Safety Code section

34177

### The Issue

Shall the City Council adopt a resolution approving and adopting an update to the Recognized Obligation Payment Schedule pursuant to Health and Safety Code section 34177?

### Action Requested

It is recommended that the City Council, by **RESOLUTION**, approve and adopt an update to the Recognized Obligation Payment Schedule pursuant to Health and Safety Code section 34177.

### Background

On June 28, 2011, as part of the 2011-2012 State of California budget bill, companion bills Assembly Bill 1X 26 ("AB 26") and Assembly Bill 1X 27 ("AB 27") were enacted, dissolving the Auburn Urban Development Authority ("AUDA"), unless the City of Auburn ("City") elected to participate in the "Alternative Voluntary Redevelopment Program" established by AB 27 and paid an annual "community remittance" payment to the County of Placer On July 18, 2011, a Petition for Writ of Mandate was filed in the Supreme Court of the State of California in the matter of California Redevelopment Association, et al. v. Ana Matosantos, et al., Case No. S194861 ("Legal Action"), challenging the constitutionality of AB 26 and AB 27 on behalf of cities, counties and redevelopment agencies. On December 29, 2011, the Supreme Court issued its opinion in the Legal Action, upholding AB 26, invalidating AB 27, extending certain statutory deadlines under Health and Safety Code Sections 34170 through 34191, and dissolving all redevelopment agencies throughout the State, effective February 1, 2012.

### <u> Analysis</u> -

The City elected to become the successor agency to AUDA by Resolution No. 12-03, dated January 9, 2012. One of the responsibilities of the City, as successor agency, is to prepare Recognized Obligation Payment Schedules ("ROPS"), which sets forth the nature, amount, and source(s) of payment of all "enforceable obligations" of AUDA (as defined by law) to be paid by the successor agency after AUDA's dissolution, covering the forward-looking six month fiscal period. Only payments required pursuant to the ROPS may be made by the successor agency, after May 1, 2012.

The "enforceable obligations" listed in the ROPS may include the following: bonds; loans legally required to be repaid pursuant to a payment schedule with mandatory repayment terms; payments required by the federal government, preexisting obligations to the state or obligations imposed by state law; judgments, settlements or binding arbitration decisions that bind the agency; legally binding and enforceable agreements or contracts; contracts or agreements necessary for the continued administration or operation of the agency, including agreements to purchase or rent office space, equipment and supplies; and amounts borrowed from or payments owing to the Low and Moderate Income Housing Fund of a redevelopment agency, which had been deferred as of June 29, 2011. However, the ROPS is to exclude pass-through payments to be made by the county after dissolution of AUDA and any agreements, contracts or arrangements between the City and AUDA, except any of the following agreements between the City and AUDA: (1) any written agreements between the City and AUDA entered into prior to December 31, 2010, solely for the purpose of securing or repaying indebtedness obligations to third parties; and (2) loan agreements entered into between the City and AUDA within two years of the date of creation of AUDA.

Pursuant to Health and Safety Code section 34177(I)(2), as modified by the Supreme Court's opinion in the Legal Action, the City, as successor agency, is required to prepare updated ROPS covering a forward looking six-month period. It is staff's understanding that the ROPS for the period July 1, 2012 – December 31, 2012 must be approved by the Oversight Committee and received by the State and County by May 15, 2012.

The City, as successor agency, has prepared an updated ROPS covering the period from January 1, 2012 through December 31, 2012. Since the prior ROPS approved in February 2012 contained estimates for obligations due from March – June 2012, the ROPS submitted herein has been updated to include actual obligation payments made from January through mid-April 2012.

### Alternatives Available to the Council; Implications of Alternatives

- 1. By **RESOLUTION**, approve and adopt an updated Recognized Obligation Payment Schedule pursuant to Health and Safety Code section 34177.
- 2. Do not adopt a resolution. As successor agency to the former Auburn Urban Development Authority, the City is required to adopt an updated Recognized Obligation Payment Schedules for consideration by the Oversight Committee.

### Fiscal Impact

City funds expended to prepare the updated ROPS are considered within the administrative reimbursement component of funds to be allocated from the Redevelopment Property Tax Trust Fund, to the extent available.

Attachment - Updated ROPS

### RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, SERVING AS THE SUCCESSOR AGENCY TO THE DISSOLVED AUBURN URBAN DEVELOPMENT AUTHORITY, APPROVING AND ADOPTING AN UPDATE OF THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177

WHEREAS, pursuant to Health and Safety Code Section 34173(d), the City of Auburn ("Successor Agency") elected to become the successor agency to the Auburn Urban Development Authority by Resolution No.12-03 on January 9, 2012; and

WHEREAS, Health and Safety Code Section 34183, as modified by the Supreme Court decision in *California Redevelopment Association*, et al. v. Ana Matosantos, et al., Case No. S194861, requires the Successor Agency to prepare updated recognized obligation payment schedules ("ROPS") for each six month fiscal period beginning January 1 and July 1 each year; and

WHEREAS, Health and Safety Code Section 34177(1)(2) requires the Successor Agency to submit the updated ROPS to an external auditor, either the Placer County Auditor-Controller or its designee, for the auditor's review and certification as to its accuracy; and

WHEREAS, Health and Safety Code Section 34177(1)(2) requires the Successor Agency to submit the ROPS certified by the external auditor ("Certified ROPS") to the Successor Agency's oversight board for its approval, and upon such approval, the Successor Agency is required to submit a copy of the approved ROPS ("Approved ROPS") to the Placer County Auditor-Controller, the California State Controller, and the State of California Department of Finance, and post the Approved ROPS on the Successor Agency's website; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, SERVING AS THE SUCCESSOR AGENCY TO THE AUBURN URBAN DEVELOPMENT AUTHORITY, DOES HEREBY RESOLVE AS FOLLOWS:

**Section 1.** Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. <u>CEQA Compliance</u>. The approval of the updated ROPS through this Resolution does not commit the Successor Agency to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act.

**Section 3.** Approval of Updated ROPS. The Successor Agency hereby approves and adopts the updated ROPS, in substantially the form attached to this Resolution as Exhibit A, as required by Health and Safety Code Section 34177.

Section 4. <u>Transmittal of Updated ROPS</u>. The City Manager is hereby authorized and directed to take any action necessary to carry out the purposes of this Resolution and comply with applicable law regarding the updated ROPS, including submitting the updated ROPS to the Placer County Auditor-Controller, or its designee, the submission of the Certified ROPS to the Successor Agency's oversight board, upon the oversight board's formation, the submission of the Approved ROPS to the Placer County Auditor-Controller, the California State Controller, and the State of California Department of Finance, and posting the Approved ROPS on the Successor Agency's website.

**Section 5.** Effectiveness. This Resolution shall take effect immediately upon its adoption.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City of Auburn, serving as the successor agency to the Auburn Urban Development Authority, on the 23<sup>rd</sup> day of April, 2012, by the following vote:

AYES:	•			
NOES:				
ABSTAIN:				
ABSENT:	•			
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ATTEST:				
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City Clerk				

### **EXHIBIT A**

### UPDATED RECOGNIZED OBLIGATION PAYMENT SCHEDULE

UPDATED RECOGNIZED OBLIGATION PAYMENT SCHEDULE
Per AB 25 - Section 34177 (\*)

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Name of Redevelopment Agency: Aubum Urban Development Authority
Project Area(s)
Aubum Redvelopment Project

## UPDATED RECOGNIZED OBLIGATION PAYMENT SCHEDULE Per AB 26 - Section 34177 (\*)

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Project Area(s)
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UPDATED RECOGNIZED OBLIGATION PAYMENT SCHEDULE
Per AB 26 - Section 34177 (\*)

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Per AB 28 - Section 34177 (\*)

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UPDATED OBLIGATION PAYMENT SCHEDULE
Per AB 26 - Section 34177 (\*)

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	100.00				_	HPTTF		100,00	6,000.00	Aub Red Project	Payments per CRL 33607.5 and .7	Placer Water	21) Statutory Payments
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	4,000.00					HPTTF		4,000,00	134,000.00	Aub Red Project	Payments per former CRL 33401	Aubum Cemetery	9) Section 33401 Payments
	5,000.00					HPTTF		5,000,00	202,000.00	Aub Red Project	Payments per former CRL 33401	County Library	
	69,000,00					RPTTF		69,000,00	2,480,000,00	Aub Red Project	Payments per former CRL 33401	Placer County	
	16,000.00					HPTTF		16,000.00	813,000,00	Aub Red Project	Payments per former CRL 33676	Sierra College	
	38,000,00					RPTTF	_	38,000.00	1,995,000,00	Aub Red Project	Payments per former CRL 33676	Placer High	
	44,300.00					RPTTF		44,300,00	2,284,000.00	Aub Red Project	Payments per former CRL 33676	Aubum Elementary	
	12,400.00					RPTTF		12,400,00	636,000.00	Aub Red Project	Payments per former CRL 33676	Aubum Park	3) Section 33676 Payments
	3,300.00					RPTTF	3,300.00 F	9,300.00	163,000.00	Aub Red Project	Payments per former CRL 33678	Auburn Cemetery	2) Section 33676 Payments
	61,000,00					RPTTF	61,000.00 F	61,000.00	3,143,000.00	Aub Red Project	Payments per former CRL 33676	Placer County	1) Section 33676 Payments
2010		1	1111	-	+	1	4			_			
Jun 2012	May 2012	Apr 2012	Mar 2012	Feb 2012	Jan 2012 F	Fundar Ja		2011-2012**	Debt or Obligation	Project Area	Description	Payee	Project Name / Debt Obligation
		Payments by month	Payments			me of	Total Due During	Fleen Year	Total Outstanding				
	lents	Pass Inrough and Other Payments	s inrough an	Pas			,	-					
				•									

The Preliminary Draft Recognized Obligation Payment Schedule (ROPS) is to be completed by 2/1/2012 by the successor agency, and subsequently be approved by the oversight board and audited by the County.

"All total due during fiscal year and payment amounts are projected.

"Finding sources from the successor agency: (For fiscal 2011-12 only, references to RPTTF could also mean tax increment allocated to the Agency prior to February 1, 2012.)

RPTTF - Redevelopment Property Tax Trust Fund Bonds - Bond proceeds

COther - reserves, rents, interest earnings, stc

Admin - Successor Agency Administrative Allowance

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UPDATED OBLIGATION PAYMENT SCHEDULE
Par AB 26 - Saction 34177 (\*)

Protect Name (2400 Oblightion   Physics   Description   Physics			Т	Т	Т	Т	T	T	Т	Ņ	N	ķο	-	ı	-	-	Į.	1-	-	Ŀ	<u>-</u>	<u>-</u>	L	Ĺ.	Ι.	Ī.	L		L	Γ	Т	Г	Г	_	
Description	" The Preliminary Draft Reco. " All total due during fiscal y "" Funding sources from the: "PTTF - Redevelopment Prop LMHF - Low and Moderate Inc.	Totals - Other Obligations								2) SB 2557 Collection Costs	1) Statutory Payments	0) Statutory Payments	9) Statutory Payments	B) Statutory Payments	7) Statutory Payments	6) Statutory Payments	5) Statutory Payments	4) Statutory Payments	3) Statutory Payments	2) Statutory Payments	1) Statutory Payments	0) Section 33401 Payments	9) Section 33401 Payments	8) Section 33401 Payments	7) Section 33401 Payments	6) Section 33676 Payments	5) Section 33676 Payments	4) Section 33676 Payments	3) Section 33676 Payments	2) Section 33676 Payments	1) Section 33676 Payments		Project Name / Debt Obligation		
Pass Through and Other Payments  Payments by month  Payments by month  Payments by month  Payments by month  Sep 2012   Opt 2012   Nov 2012   Ope 2012    Reference of the payments by month   Sep 2012   Opt 2012    Reference of the payments by month   Sep 2012   Opt 2012    Reference of the payments by month   Sep 2012   Sep 2012    Reference of the payments by month   Sep 2012	gnized Obligation Payme ear and payment emount successor agency: (For erty Tax Trust Fund									County of Placer	Placer Water	City of Auburn	Office of Ed	Sierra College	Placer High	Auburn Elementary	Placer Resource Consv	Aubum Park	Aubum Cemetery	County Library	Placer County	Auburn Park	Auburn Cemetery	County Library	Placer County	Sierra College	Placer High ·	Auburn Elementary	Aubum Park	Aubum Cemetery	Placer County		Payee	-	
Pass Through and Other Payments  Payments by month  Payments by month  Payments by month  Payments by month  Sep 2012   Opt 2012   Nov 2012   Ope 2012    Reference of the payments by month   Sep 2012   Opt 2012    Reference of the payments by month   Sep 2012   Opt 2012    Reference of the payments by month   Sep 2012   Sep 2012    Reference of the payments by month   Sep 2012	nt Schedule (FIOPS) is to be complete s are projected. Iscal 2011-12 only, references to FPT Bonds - Bond propeets Admin - Successor Agency Adminis									Taxroll Collection Costs (estimated)	Payments per CRL 33607.5 and .7	Payments per CRL 33607.5 and .7	Payments per CRL 33607.5 and .7	Payments per CRL 33607,5 and .7	Payments per CRL 33607,5 and .7	Payments per CRL 33507.5 and .7	Payments per CRL 33607.5 and .7	Payments per CRt. 33607.5 and .7	Payments per former CRL 33401	Payments per former CR1, 33401	Payments per former CRL 33401	Payments per former CRL 33401	Payments per former CRL 33676		Description										
Pass Through and Other Payments  Payments by month  Payments by month  Payments by month  Payments by month  Sep 2012   Opt 2012   Nov 2012   Ope 2012    Reference of the payments by month   Sep 2012   Opt 2012    Reference of the payments by month   Sep 2012   Opt 2012    Reference of the payments by month   Sep 2012   Sep 2012    Reference of the payments by month   Sep 2012	d by 3/1/2012 by the IF could also mean Other - reserves, r trailve Allowance									Aub Red Project	Aub Red Project	Aub Red Project	Aub Red Project	Aub Red Project	Aub Red Project	Aub Red Project	Aub Red Project	Aub Red Project	Aub Red Project	Aub Red Project	Aub Red Project	Aub Red Project	Aub Red Project	Aub Red Project	Aub Red Project	Aub Red Project	Aub Red Project	Aub Red Project	Aub Red Project	Aub Red Project	Aub Red Project		L		
Pass Through and Other Payments  Payments by month  Payments by month  Payments by month  Payments by month  Sep 2012   Opt 2012   Nov 2012   Ope 2012    Reference of the payments by month   Sep 2012   Opt 2012    Reference of the payments by month   Sep 2012   Opt 2012    Reference of the payments by month   Sep 2012   Sep 2012    Reference of the payments by month   Sep 2012	successor agency, i tax increment alloca ents, interest earnin	21,189,000.00								700,000.00	6,000.00	362,000.00	1,118,000.00	680,000.00	1,668,000.00	1,910,000.00	6,000.00	367,000.00	94,000.00	90,000.00	1,812,000.00	526,000.00	134,000.00	202,000.00	2,480,000.00	813,000.00	1,995,000.00	2,284,000.00	636,000.00	163,000.00	3,143,000.00		Debt or Obligation	Total Outstanding	
Pass Through and Other Payments  Payments by month  Payments by month  Payments by month  Payments by month  Sep 2012   Opt 2012   Nov 2012   Ope 2012    Reference of the payments by month   Sep 2012   Opt 2012    Reference of the payments by month   Sep 2012   Opt 2012    Reference of the payments by month   Sep 2012   Sep 2012    Reference of the payments by month   Sep 2012	and subsequently b ted to the Agency p gs, etc	286,788.00								15,288.00	100,00	1,000,00	1,000.00	200,00	1,000.00	1,000.00	200.00	0,00	0.00	0,00	0.00	14,000.00	4,000.00	5,000.00	69,000,00	16,000.00	38,000.00	44,300.00	12,400.00	3,300,00	61,000,00		2011-2012**	Fiscal Year	
Pass Through and Other Payments  Payments by month  Payments by month  Payments by month  Payments by month  Sep 2012   Opt 2012   Nov 2012   Ope 2012    Reference of the payments by month   Sep 2012   Opt 2012    Reference of the payments by month   Sep 2012   Opt 2012    Reference of the payments by month   Sep 2012   Sep 2012    Reference of the payments by month   Sep 2012	e approved by the c rior to February 1, 2	286,788.00								15,288.00	100.00	1,000.00	-	-	_	1,000.00	_	_	. 0,00	-	-	14,000,00	4,000.00	5,000.00	69,000.00	16,000.00	-	-	12,400.00	3,300.00	61,000.00				
Pass Through and Other Payments  Payments by month  Payments by month  Rep 2012   Opt 20	versigh 1012.)	-					İ			RPT1	RPTTF	APTTE	RPTTF	HPTTF	RPTIF	RPTF	RPTTE	HPTTF	RPTTE	RPTIF	<b>HPTTF</b>	PPTF	RPTTF	<b>HPTTF</b>	<b>HPTTF</b>	RPTF	RPTTE	RPTTF	RPITE	<b>HPTTF</b>	RPTTF		Fund**	Source	
Pass Through and Other Payments    Payments by roomt    Aug 2012   Oct 2012   Nov 2012   Dac 2012   To     Sep 2012   Oct 2012   Sep	, z												_	,																					
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Nov 2012 Dec 2012 To  S 61  S 93  S 94  S																																	Sep 2012	Payments by	ss Through and (
Dec 2012 To																																	Oct 2012	month	Other Payments
	-	. \$												_																			Nov 2012		
22 8 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		- 5		\$	69	to.	(n	5	*	\$	4	49	69	4	€	€9	69	\$	8	\$	€9	69	69	49	8	€9	S	\$	\$	44	*		Dac 2012		
				• 1	•					15,			_		_	_		•		•	ł	_	1		- 1		. 1				1		Total		